

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

PAUL A. TURCKE (Idaho Bar No. 4759)
Trial Attorney
Natural Resources Section
P.O. Box 7611 Washington, D.C. 20044
202-353-1389 || 202-305-0275 (fax)
paul.turcke@usdoj.gov

Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ALASKA INDUSTRIAL
DEVELOPMENT AND EXPORT
AUTHORITY, *et al.*,

Plaintiffs,

and

STATE OF ALASKA,

Intervenor-Plaintiff,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States,
et al.,

Defendants.

Case No. 3:21-cv-00245-SLG

STIPULATION TO ADDRESS SCHEDULING

The parties to this action enter the following stipulation to modify existing

deadlines and to address scheduling. This action was initially filed on November 4, 2021, and Plaintiffs have since amended their complaint twice, most recently on March 16, 2022. Service on the United States under Fed. R. Civ. P. 4 was completed on March 17, 2022. Counsel for the parties have discussed the possibility of a further amendment to the complaint to add additional parties and intend that any such further amendment would be completed no later than March 31, 2022. However, there presently exists a deadline for Defendants to file the administrative record on or before March 21, 2022. *See* Doc. 10. Additionally, Defendants believe an answer to the State of Alaska's Complaint in Intervention is due on or before April 18, 2022. *See* Doc. 20 at 2; Doc. 22 (Complaint in Intervention filed Feb. 17, 2022). To establish the customary sequence and promote the orderly conduct of this litigation, the parties stipulate to and jointly move that the Court modify the existing docket events and establish the following deadlines:

(a) Defendants shall answer or otherwise respond to Plaintiffs' Second Amended Complaint, and the State of Alaska's Complaint in Intervention, on or before May 16, 2022.

(b) Defendants shall file the administrative record on or before June 3, 2022.

(c) The parties will confer and informally attempt to resolve any disputes concerning the administrative record. Plaintiffs and Intervenor-Plaintiff shall notify Defendants of any issues concerning the sufficiency of the administrative record on or before June 17, 2022.

(d) If the parties do not informally resolve issues concerning the administrative record, any motion(s) to supplement or otherwise challenge the sufficiency of the

administrative record shall be filed on or before July 1, 2022. If such a motion is filed Defendants' response shall be due on or before July 29, 2022, and any reply shall be due on or before August 12, 2022.

(e) The parties shall present to the Court a proposed briefing scheduling within fourteen days of a decision resolving any such motion(s) or, in the absence of such a motion, on or before July 15, 2022.

DATED: March 17, 2022

HOLLAND & HART LLP

/s/ Kyle W. Parker (with permission)
Kyle W. Parker, ABA No. 9212124
William G. Cason, Alaska Bar No. 2009083
1029 W. 3rd Avenue, Suite 550
Anchorage, Alaska 99501
Telephone: (907) 865-2600
Facsimile: (907) 865-2680
kwparker@hollandhart.com
wgcason@hollandhart.com

Counsel for Plaintiffs

TREG R. TAYLOR
ATTORNEY GENERAL

Ronald W. Opsahl (Alaska Bar No. 2108081)
Assistant Attorney General
Department of Law
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
Telephone: (907) 269-5232
Facsimile: (907) 279-2834
Email: ron.opsahl@alaska.gov

By: /s/ Kathleen C. Schroder (with permission)
Kathleen C. Schroder (*pro hac vice*)
Gail L. Wurtzler (*pro hac vice*)
Mark E. Champoux (*pro hac vice*)
Nicholas R. Peppler (*pro hac vice*)
Davis Graham & Stubbs LLP

1550 Seventeenth St., Suite 500
Denver, CO 80202
Telephone: (303) 892-9400
Fax: (303) 893-1379
Email: katie.schroder@dgsllaw.com
gail.wurtzler@dgsllaw.com
mark.champoux@dgsllaw.com
nick.peppler@dgsllaw.com

Counsel for Intervenor-Plaintiff

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

/s/ Paul A. Turcke

PAUL A. TURCKE
Trial Attorney
Natural Resources Section
P.O. Box 7611 Washington, D.C. 20044
202-353-1389 || 202-305-0275 (fax)
paul.turcke@usdoj.gov

Counsel for Defendants

Of Counsel:

MIKE GIERYIC
Attorney Advisor
Office of the Regional Solicitor, Alaska Region
U.S. Department of the Interior
4230 University Drive, Suite 300
Anchorage, AK 99508
907-271-1420
mike.gieryic@sol.doi.gov

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2022, a copy of the foregoing was served by electronic means on all counsel of record by the Court's CM/ECF system.

/s/ Paul A. Turcke
Paul A. Turcke